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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,065	12/20/2000	Jack Gershfeld		5864

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EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/740,065	Applicant(s) GERSHFELD, JACK	
	Examiner Reuben M. Brown	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 & 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko, (U.S Pat # 4,257, 066).

Considering claim 1, the claimed method of evaluating degradation of an electrical signal caused by a circuit comprising:

‘placing a first electrical signal in communication with a communication circuit, passing the first electrical signal through the circuit’, reads on a video program being broadcast, as taught by Kaneko USING cable or over the air broadcasts, see col. 2, lines 46-50.

‘providing a means of synchronizing and combining electrical signals having a first and second input and at least one output is met by the operation of Kaneko, which receives up to two video inputs and outputs the synchronized video for display on a TV screen, Abstract, col. 1, lines 45-55 & col. 9, lines 5-20.

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‘placing a second electrical signal identical to the first electrical signal, in communication with the second input of the means of synchronizing and combining’, reads on the disclosure in Kaneko that one of the inputs to the monitor circuits 11, may be from a VCR tape, col. 7, lines 1-10 & col. 8, lines 54-60. As for the content of the tape, such a feature falls within the scope of ‘intended use’. In other words, the content of the tape may be the same content as the video program being broadcast and received via antenna 31.

Thus Official Notice is taken that at the time the invention was made, it was known to store video programming on a VCR tape that could also be broadcast. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Kaneko in a manner that the content on the tape is the same as the content being received at antenna 31, since Kaneko is directed to comparing the two video sources in a side-by-side fashion, see Abstract & col. 1, lines 39-42.

‘placing the output of the synchronizing and combining means in communication with a plurality of means for creating visual representations of the electrical signals’, is broad enough to read on the signals being fed to the monitor circuits 11 and TV screen 12.

‘presenting the two electrical signals separate from each other’ and ‘comparing the visual representation of the degraded image and the visual representation of the second electrical

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signal' is met by the disclosure of Kaneko, col. 2, lines 35-60 & col. 9, lines 1-25, which is directed to presenting two video signals together in a TV screen for the purpose of comparison.

Considering claim 3, Kaneko is directed to processing and video signals.

Considering claims 4, Kaneko does not discuss the format video signals. Official Notice is taken that at the time the invention was made, NTSC, PAL & SECAM were well known video signal formats. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Kaneko using NTSC, PAL or SECAM, for the desirable benefit of using their standard TV transmission and reception hardware and algorithms.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko, in view of Nicholas, (U.S. Pat # 4,677,481).

Considering claim 2, Kaneko teaches a TV screen, instead of the claimed oscilloscope for the presentation of images. Nevertheless, Nicholas discloses a system that uses an oscilloscope for the display of two signals in a side-by-side fashion. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Kaneko to display the two video signals on the oscilloscope, at least for the known advantage of increased video manipulation, as discussed by Nicholas, Abstract; col. 1, lines 35-45 & col. 2, lines 59-68 thru col. 3, lines 1-10.

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Any response to this action should be mailed to:

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or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.

The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9306 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


REUBEN BROWN
PATENT EXAMINER